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OFFICER INVOLVED SHOOTING FORM

INVESTIGATIVE SUMMARY

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Los Aggeles County Sheriff's Department Officer Involved Shooting

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Report Date:	graph of the second party	North State of State	Bureau/Station/Facili	ity:	LASK LIZZĀS V		Admin. in	vest.?	Hit? 🔀
Pertine our certains and the	APRIL 1, 2	2004	The manager of the control of the same		L AFFAIRS	1.1	्रिया कर्णाकी स्थाप प्रवासी व	net care	
	a Course and the		e de la companya de l	Incident Info	ormation	er alla nortagio estato del	The state of the s	ime:	
URN:	002-14	916-16	13-013	Date:		0-02			2216
City or Station:	CA	RSON	STATION	Nature of Incid		Y-INVOLV	ED HIT SI	NTOOH	NG, SUSPECT
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(circle one or mos	re):	Darknes		Accidental			Arre	est Warran I	rt.
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Employee #	Last N	ame		First Name	M.I.		rcle only one):		Overtime Off Duty
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Employee #	Lest N		AR	First Name DAVIS	M.J.	ShiftTime (el	rele only one): Day	-	e (circle only one) D Overtime Off Duty
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				Supervi	sors				
Employee#	Last Name		Fire	st Name	M.I	(circle one			Witness to shooting
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Slever "	Last Name			st Name	M.I	(circle one			
Employee #	East Haine		, 113	or craptio	124.1	On Duty			Witness to shooting Involved in shooting
	inger op differ			Watch Se	meant			100	
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Employee #	Las Na		DALIC	CH			JUL!A	1	
			PAUS				JULIA	1	
Sec. 182 3 A				Watch Com	mander				
Employee #	Last Nat	ne		2. 13.410_5		First Name			M.I.
Citibilityee #	1		COLT	OM.			MICHA	Fi	
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Officer Involved Shooting

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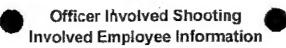
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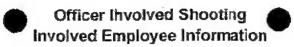
Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Pari (Code)
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E1	S1	FH	BR	9	Y	Y	DH	
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E4	S1	FH	BR	9	Υ	Y	DH	
E5	S1	FH	BR	9	Y	Y	DH	
E6	S1	FH	BR	9	Y	Y	NN	
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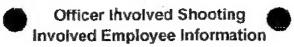
		Involved Employee		
E_1 Employee#	Last Name BOWLEY		First Name JASON	M .I.
Sex: Race: W	Rank DEPUTY SHE	Unit Assignment: RIFF CARSON STATION	Work Assignment (Unit #, Module, etc.) 164A3	
ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overline Off Duty	Intoxication/Drug Usage?	Substance Used	
Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
Hrs of sleep prior to shootin 8 Age: Height	Weight:	Igthing (circle only one): Plain Clothes no Vest Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest Uniform w/ Vest	Other Factors:	
Range Qualification Date:	0 0	PPC Qualification Date:	Laser Training Date:	
Certifled with Weapon Use	ed? Patrol Certification	? Certification Unit:	Prior Shootings?	or Shootings:
Field Training Officer Emp	# Last Name		First Name	M.I.
Field Training Officer Emp	Last Name		First Name	M.I.
E 2 Employee #	Last Name GUERRERO		First Name KIMBERLY	M,i,
Sex: Race:	Rank DEPUTY SHE	Unit Assignment: CARSON STATION	Work Assignment (Unit #, Module, etc.) 164T2	
ShiftTime (circle only one).	ShiftType (circle only one): (Regular) Overtime Off Duly	Intoxication/Drug Usage?	Substance Used:	
Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
Hrs of sleep prior to shooting 7 Age: Height:	Weight:	Tothing (circle only one): Plain Closes no Vest Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest Uniform w/ Vest	Other Factors:	
Range Qualification Date:	P	PC Qualification Date:	Laser Training Date:	
Certifled with Weapon Use	d? Patrol Certification	? Certification Unit:	Prior Shootings? Number of Pri	
Field Training Officer Emp (Last Name		First Name	M.I.
Field Training Officer Emp :	Last Name		First Name	M.I,
E 3 Emplayes#	Last Name SECRIST		First Name JERALD	M.I.
Sex: Race: M W	Rank DEPUTY SHEF	Unit Assignment: CARSON STATION	Work Assignment (Unit #, Module, etc.) 160N4	
ShiftTime (elrele only one): EM (PM) Day	ShiftType (circle only one): (Regular) Overtime Off Duty	Intoxication/Drug Usage?	Substance Used	
Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
Hrs of sleep prior to shoosin 8 Age: Height:		othing (eircle only one): Plain Clothes on Vest Raid Jecket w/ Vest Plain Clothes w/ Vest Uniform no Vest	Other Factors:	
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		0.45-610-2	I Division of De	or Shootings:
Certified with Weapon Use		Certification Unit:	Prior Shootings?	
Field Training Officer Emp #	Last Name		First Name	M.1.
Field Training Officer Emp #	Last Name		First Name	M.l.



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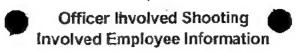
The second secon		Involved Employee		
Employee #	Last Name JERZYKOWSK	(First Name BRADLEY	M.I.
Sex: Race: W	Rank DEPUTY SHERIF	Unit Assignment: CARSON STATION	Work Assignment (Unit #, Module, etc.): 167A4	
ShiftTime (circle anly one): (EM) PM Day	ShiftType (circle only one): Regular Overtime Off Duty	Intoxication/Drug Usage?	Substance Used:	
Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
Hrs of sleep prior to shooting 8 Age: Height:	Weight: Plain	ng (circle only one): Clothes no Vest Raid Jacket w/ Vest Clothes w/ Vest Uniform no Vest Jacket no Vest Uniform w/ Vest	Other Factors:	
Range Qualification Date:	PPC	Qualification Date:	Laser Training Date:	
Certified with Weapon Use	Patrol Certification?	Certification Unit:	Prior Shootings? Number of Prior	r Shootings:
Field Training Officer Emp #	Last Name		First Name	M.I.
Field Training Officer Emp #	Last Name		First Name	M.L.
Employee #	Last Name ABDULFATTA	1	First Name TAREQ	M.I.
Sex: Race: O	Rank DEPUTY SHERIF	Unit Assignment: CARSON STATION	Work Assignment (Unit #, Module, etc.): 163A4	
ShiftTime (circle only are): EM PM Day	ShiftType (eircle only one): Regular Overtme Off Duly	Intoxication/Drug Usage?	Substance Used:	
Hospital Admission?	Hospital Name;	Coroner Case?	Coroner Case #	Interviewed?
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Range Qualification Date	PPC C	Qualification Date:	Laser Training Date:	
Certified with Weapon Used		Certification Unit:	Prior Shootings?	
Field Training Officer Emp #	Last Name		First Name	M.f.
Field Training OfficerEmp#	Last Name		First Name	M.I.
Employee #	Last Name DOCUYANAN		First Name DEAN	M.I.
Sex: Race: O	Rank DEPUTY SHERIFI	Unit Assignment: CARSON STATION	Work Assignment (Unit #, Module, etc.): 167A4	
ShiftTime (circle only one): (EM) PM Day	ShiftType (circle only one): Regular) Oversime Off Duty	Intoxication/Drug Usage?	Substance Used:	
Hospital Admission?	Hospital Name:	Coroner Case?	Coroner Case #	Interviewed?
Hrs of sleep prior to shooting 8 Age: Height:	Weight: Plain (g (circle only one): 20thes no Vest Raid Jacket w/ Vest 20thes w/ Vest Uniform no Vest acket no Vest Uniform w/ Vest	Other Factors.	
Range Qualification Date:		Qualification Date:	Laser Training Date:	
Certified with Weapon Used	? Patrol Certification?	Certification Unit:	Prior Shootings? Number of Prior	r Shootings:
Field Training Officer Emp #	Last Name		First Name	M.I.
Field Training Officer Emp #	Last Name		First Name	М.1.



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F			7	nvolved Emp	loyee			
E_7	Employee #	Last Name KLUTH				First Name DAVID		M.I.
	Sex; Race: W	Rank DEPUTY SHE	RIFF	it Assignment: CARSON STA	ATION	Work Assignment (Unit)	f, Module, etc.): 169A1	
	ShiftTime (circle only one). EM (PM) Day	ShiftType (circle only one): Regular) Overtime Off Outy	int	oxication/Drug Usag	e?	Substance Used:		
	Hospital Admission?	Hospital Name:	Ç	oroner Case?		Coroner Case #		Interviewed?
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	Certifled with Weapon Used?	Patrol Certification	1?	Corblication Unit:		Prior Shootings?	Number of Prior	
- 1	Field Training Officer Emp #	Last Name				First Name		M.I,
	Field Training Officer Emp #	Last Name				First Name		M.L.
8	Employee #	Last Name BARRI				First Name RONAL		M,I.
	Sex: Race: W	Rank DEPUTY SHE	RIFF	t Assignment: CARSON ST/	ATION	Work Assignment (Unit I	f, Module, etc.): 163A4	
	ShiftTime (circle only ene): (EM) PM Day	ShiftType (circle only one): Regular) Overtime Off Duty	Inte	oxication/Drug Usag	e?	Substance Used:		
Ì	Hospital Admission?	Hospital Name:	Co	oroner Case?		Coroner Case #		Interviewed?
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	Certified with Weapon Used?	Patrol Certification	?	Certification Unit:		Prior Shootings?	Number of Prior	
	Field Training Officer Emp #	Last Name				First Name		M.I.
	Fleid Training Officer Emp #	Last Name				First Name		M.I.
9	Employee #	Last Name GIBSON				First Name JOHN		M.I.
	Sex: Race: W	Renk RESERVE DEP	UTY Unit	t Assignment: CARSON STA	ATION	Work Assignment (Unit)	f, Module, etc.): 160R	
	ShiftTime (circle only ane): EM (PM) Day	ShiftType (circle only one): Regular) Overtime Off Duty	Into	oxication/Drug Usag	?	Substance Used:		
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	Certified with Wespon Used?	Patrol Certification	?	Certification Unit:		Prior Shootings?	Number of Prior :	Shootings
	Field Training Officer Emp#	Last Name				First Name		M.1.
1	Field Training Officer Emp #	Last Name				First Name		M.I.



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			Involved Employee		
Employee #	Last Name ORTIZ			First Name JERRY	
Sex: Race: M H	Rank DEPUTY SI	HERIFF	Unit Assignment: CPT/GET	Work Assignment (Unit	#, Module, etc.): W528F
ShiftTime (circle only one). EM (PM) Day	ShiftType (circle only on Regular) Overline Office		Intoxication/Orug Usage?	Substance Used:	
Hospital Admission?	Hospital Name:		Coroner Case?	Coroner Case #	Interviewed?
Hrs of sleep prior to shooti 10 Age: Height	Outy Time (brs): Weight: 200	Plain Cl Plain Cl	(circle only one): othes no Vest Rad Jacket w/ Vest othes w/ Vest Uniform no Vest cket no Vest Uniform w/ Vest	Other Factors:	
Range Qualification Date:		PPC Q	ualification Date:	Laser Training	Date:
Certified with Weapon Us		ation?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:
Field Training Officer Emp				First Name	M.I.
Field Training Officer Emp		ener ereken in		First Name	M.I,
Employee #	Last Name			First Name	M.I.
Sex: Race:	Rank		Unit Assignment:	Work Assignment (Unit	#, Module, etc.):
ShiftTime (circle only one).	ShiftType (circle only and Regular Overtime Off Dr	-	Intoxication/Drug Usage?	Substance Used:	
Hospital Admission?	Hospital Name:		Coroner Case?	Coroner Case #	Interviewed?
Hrs of sleep prior to shootis Age: Height:	Duty Time (hrs): Weight:	Plain Clo	(circle only one) Whet no Vest Rais Jacket w/ Vest Other w/ Vest Uniform so Vest Cket no Vest Uniform w/ Vest	Other Factors:	
Range Qualification Date:		PPC Qu	alification Date:	Laser Training	Date:
Certified with Weapon Use	d? Patrol Certifica	tion?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:
Field Training OfficerEmp	# Last Name			First Name	M.I.
Field Training Officer Emp	# Last Name			First Name	MJ.
Employee #	Last Name		100	First Name	M.I.
Sex: Race:	Rank		Unit Assignment:	Work Assignment (Unit	#, Module, etc.):
ShiftTime (circle only one): EM PM Day	ShiftType (circle only one Regular Overtime Off Du		Intoxication/Drug Usage?	Substance Used:	
Hospital Admission?	Hospital Name:		Coroner Case?	Coroner Case #	Interviewed?
Hrs of sleep prior to shootin		Plain Clo	(circle only one): thes no Vest Raid Jacket w/ Yest thes w/ Vest Uniform no Vest	Other Factors:	
Age: Height:	Weight:	Raid Jac	ket no Vest Uniform v/ Vest		
Range Qualification Cate:		PPC Qua	alification Date:	Laser Training	
Certified with Weapon Use	d? Patrol Certificat	ion?	Certification Unit:	Prior Shootings?	Number of Prior Shootings:
Field Training Officer Emp #	Last Name			First Name	N.I.
Field Training Officer Emp #	Last Name			First Name	M.1.

Officer Involved Shooting Suspect Information

URN: ___

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		San S	uspect	Information					
\$ 1	Last Name QUEEN	First Name JOSEPH M.I.							
	AKA Lasi Name		М.І.						
	Sex: M Race: B	Street Address:		State & Zin Code:					
	Work Phone:	Home Phone:	Social Sec	curity #:	Driver's License #				
	Age: 23 0.0.B. 09/11/79	Height: 5-07 Weight: 130	FBI#		CII#				
	Booking # NONE	Primary Charge: NON	E	Secondary Charge:	NONE				
	Coroner Case?	Coroner Case # 2002-08435		Intoxication/Drug Usage?	Substance Used:				
	Armed?	Apprehended?		Mental Illness?	Criminal History?				
	Vehicle Make	HONDA		Model: CIVIC	Year:				
\$	Last Name	Charles The Control of the Pro-		First Name		M.L.			
	AKA Lasi Name			First Name		M-1.			
	Sex: Race:	Street Address:		City		State & Zip Code:			
	Work Phone:	Home Phone:	Social Sec	curity #:	Driver's License #:				
	Age: D.O.B.	Height: Weight:	FBI#		Cil #				
	Booking #	Primary Charge:		Secondary Charge:					
	Coroner Case?	Coroner Case #		Intexication/Drug Usage?	Substance Used:				
	Armed?	Apprehended?		Mental Illness?	Criminal History?]			
	Vehicle Make			Model:	Year:				
s_	Last Name	The state of the s		First Name	The state of the s	M,t,			
_	AKA Last Name			First Name		M.I.			
	Sex: Race:	Street Address:		City		State & Zip Code:			
	Work Phone:	Home Phone:	Social Sec		Driver's License #:				
	Age: D.O.B.	Height: Weight:	FBI#		CII#				
	Booking #	Primary Charge:		Secondary Charge:					
		Coroner Case #			Substance Used:				
	Coroner Case?	Apprehended?		Intoxication/Drug Usage? Mental Illness?	Criminal History?	1			
	Vehicle Make	Appleticidos		Model:	Year:				
	Contract of Parket in Section 1			First Name	· · · · · · · · · · · · · · · · · · ·	M.I.			
s	Last Name AKA Last Name			First Name		M.I.			
		Charles and discountry of the control of the contro				State & Zip Code:			
	Sex: Race:	Street Address: Home Phone:	Social Sec	City	Driver's License #:	State a Zip dotte.			
	Work Phone: Age: D.O.B.	Height: Weight:	FBI #		CII #				
	Age: D.O.B.	Primary Charge:	TDI#	Secondary Charge:	CI #				
	Security 1/			Soundary Charge:	C. hatana - Handi				
	Coroner Case?	Coroner Case #		Intoxication/Drug Usage?	Substance Used:				
	Armed? Vehicle Make	Apprehended?		Mental illness?	Criminal History?	<u> </u>			
	A CHINGLE IMANO								

SUPPLEMENTAL EMPLOYEE WITNESSES Los Angeles County Sheriff's Department

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The state of the s	First Name	The state of the s	M.I.
ast Name SATHER	Zip Code	Work Ph	Home Ph
DEPUTY # LASD CARSON STATION		310-830-1123	
ast Name COOK	First Name JOHN		M.I.
DEPUTY # LASD CARSON STATION	Zip Code	Work Ph 310-830-1123	Home Ph
ast Name	First Name CYNTH	1IA	M.L.
DEPUTY # LASD CARSON STATION	Zip Code	Work Ph 310-830-1123	Home Ph
ast Name	First Name		M,L
Street Address	Zip Code	Work Ph	Home Ph
ast Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
ast Name	First Name		M.L.
Breet Address	Zip Code	Work Ph	Home Ph
ast Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
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LOS ANGLES COUNTY DISTRICT A ORNEY'S OFFICE BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY • Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

DAVID H. GUTHMAN . Director

July 31, 2003

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Los Angeles, California 90040

Dear Captain Merriman:

Re:

J.S.I.D. File No:

02-0966

L.A.S.D. File No:

002-141916-1613-013

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the November 10, 2002, fatal shooting of Joseph Rene Queen by Los Angeles Sheriff's Deputies Jason Bowley, Jerald Lynn Secrist, Bradley Jerzykowski, John Gibson, Ronald Barri and Tareq Abdulfattah. We find that each deputy acted lawfully in self-defense and in defense of others.

The following analysis is based on reports and photographs prepared by the Los Angeles County Sheriff's Department, Homicide Bureau, which were submitted to this office on April 16, 2003, by Los Angeles Sheriff's Homicide Detectives Ray Lugo and Boyd Zumwalt. All interviews have been reviewed and incorporated into the District Attorney file. Additionally, the District Attorney Response Team participated in this investigation. The District Attorney's Command Post was notified of the shooting on Monday November 11, 2002, at 12:12 a.m. Deputy District Attorney Gilbert Wright and District Attorney Senior Investigator responded to the scene of the shooting and were given a briefing and a 'walk-through' of the shooting scene. District Attorney personnel also participated in interviews of civilian witnesses.

FACTUAL ANALYSIS

was murdered on November 9, 2002, during the theft of his White Honda Civic, which occurred in the Los Angeles Police Department's 77th Division patrol area. On November 10, 2002, at approximately 10:00 p.m., Deputy Jason Bowley became aware, via police communications, that a stolen White Honda Civic being monitored and

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tracked by Lojack, was in Carson's Victoria Park area. The driver of the that vehicle was considered armed and dangerous.

After eight additional Sheriff units joined Bowley, Bowley and the other units activated their overhead lights and attempted to stop the driver, later identified as Joseph Rene Queen, on Avalon Boulevard and 186th Street. Queen opened his driver's side door as the Honda continued to drive slowly southbound on Avalon Boulevard, closed it, opened it again and looked back toward Bowley's direction. As Bowley was following closely behind, Bowley yelled to Queen to close the door and stay in the car. Suddenly, Queen got out of the Honda just north of University Drive, and asked why he was being stopped while the Honda continued to travel southbound. He ignored Bowley's repeated commands to put his hands up and stay in the car. Bowley could only see that Queen's left hand was on the driver's door. Bowley stopped his car and got out while telling Queen to put his hands up.

With his back to Bowley, Queen looked back at Bowley over his left shoulder. Bowley could not see Queen's hands at this time. Then Queen turned toward Bowley and fired one round at him with his firearm, a .45 caliber semiautomatic pistol. Bowley believed that the round hit the driver's side of his patrol car's hood, approximately 3 feet away from where Bowley was standing. Other deputies saw Queen fire one to two rounds in their direction after Queen put one foot on the pavement. Queen then attempted to run in an eastbound direction while still firing his weapon.

Fearing for his life, Bowley returned fire. Deputies Jerry Ortiz, Kimberly Guerrero, Jerald Lynn Secrist, Dean Docuyanan, Bradley Jerzykowski, John Gibson, Ronald Barri, Tareq Abdulfattah, and David Kluth returned fire as well, fearing for their lives and that of the other deputies.

Queen was struck by several rounds and collapsed in the street. During which time the Honda rolled south 200 feet before it collided with the curb and stopped. Deputies Bowley and Kluth rushed to Queen and handcuffed him, then rushed to the Honda to determine whether or not anyone else was in the car.

Queen's gun was recovered approximately 5 feet away from where Queen fell. An extra magazine that was loaded was recovered there as well, along with one expended .45 caliber shell casing. Queen's pistol was loaded with one round in the chamber and four rounds in the magazine.

¹ Investigators were unable to determine if rounds from Queen's gun struck Bowley's vehicle.

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On November 14, 2002, Los Angeles County Deputy Coroner, Dr. Ogbanna Chinwah, M.D., performed an autopsy on Joseph Queen. He ascribed the cause of death to multiple gunshot wounds, specifically 18 gunshot wounds to Queen's chest, back, arms and upper torso. Fourteen projectiles (expended bullets) were recovered from Queen's body.

Deputy Bowley fired 13 rounds at Queen. He said Queen fired approximately three times while running in an eastbound direction. Los Angeles County Sheriff's Firearm Examiner Dale Higashi, examined the firearms of the deputies that shot at Queen, the .45 caliber gun recovered at the scene, the many expended casings—including the expended .45 caliber casing, and the projectiles recovered by Deputy Coroner Dr. Chinwah. Mr. Higashi determined that a bullet recovered from Queen's chest was fired from Bowley's firearm. Dr. Chinwah believed that this round was fatal.

In addition to Bowley, Higashi determined that Deputies Secrist, Jerzykowski, Gibson, Barri, and Barri's partner, Deputy Abdulfattah, fired several rounds that struck Queen's body. Dr. Chinwah believed that several of these rounds were fatal or potentially fatal. Barri told investigators that he thought that Queen had shot him initially because Queen had turned toward him (Barri) and fired.

Mr. Higashi also determined that the expended .45 caliber shell casing was fired from the .45 caliber gun recovered at the scene.

On November 10, 2002, at approximately 2:25 a.m., investigators interviewed
at the Carson Sheriff Station. Ms. described herself as homeless.
She said that she was seated on a bus bench at Avalon Drive and University Drive at the time of the shooting. When she observed several black and white patrol cars approach the intersection, she heard numerous gunshots. She said that she ducked for cover behind the bus bench until the shooting stopped. She did not see the shooting. Ms.
that she did not hear anything prior to the shooting.
On November 13, 2002, investigators spoke with Joseph Queen's She told investigators that Queen admitted to her that he shot because Bennet was "punking him" in a drug deal. The observed the last name of "I in a wallet in Queen's possession during this conversation. She said that
also was despondent over being fired as an Queen told her that if the police stopped him (Queen) in Queen would "just shoot them" (referring to law enforcement).

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of

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another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 C.A.3d 731.

In protecting himself or another, a person may use all force and means which he believes to be reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions—Criminal (CALJIC) 5.30 and 5.32.

If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. Actual danger is not necessary to justify the use of deadly force in self-defense. The right of self-defense is the same whether the danger is real or merely apparent. <u>People v. Toledo</u> (1948) 85 C.A.2d 577.

"The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight....The oalculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Connor (1989) 490 U.S. 386, 396-397, 104 L.Ed.2d 443, 109 S.Ct. 1865.

The statements that Joseph Queen made to Ms. confirm that he wanted to put the deputies in a situation where they would have no choice but to use deadly force against him. He never intended to peacefully surrender to law enforcement for Mr. murder. Thus, the reasoning of *Graham v. Conner* is directly applicable to the facts here. Queen's actions of opening and closing his door when being followed by sheriff deputies certainly would raise a reasonable officer's suspicions about Queen's intentions. When he eventually got out of the car without coming to a complete stop, and pulled and fired his weapon, he heightened an already volatile situation and forced the deputies to make split-second decisions under circumstances that were clearly tense, uncertain and rapidly evolving.

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It is the conclusion of this office that Deputies Bowley, Secrist, Jerzykowski, Gibson, Barri, and Abdulfattah acted reasonably and lawfully in self-defense and defense of others when they fired their weapons at Joseph Queen.

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We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY

District Attorney

٠,

GILBERT WRIGHT

Deputy District Attorney

(213) 974-4634

c: Deputy Jason Bowley, #

Deputy Jerald Lynn Secrist, #

Deputy Bradley D. Jerzykowski, #

Deputy John Allen Gibson, #

Deputy Ronald Barri, #

Deputy Tareq K. Abdulfattah, #